

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

15-CR-6004L

v.

STEVEN RAY,

Defendant.

Defendant Steven Ray (“Ray”) filed three motions, *pro se*, seeking compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) (Dkt. ##200, 203, 204). Ray’s motions are based in part on the public health issue involving the COVID-19 pandemic and also because of the desire to assist a parent. The Government filed a Response (Dkt. #202) opposing the requested relief on several grounds and the Probation Office for the Western District of New York has submitted a report (Dkt. #205) with attachments concerning Ray and the COVID-19 summary at Ray’s place of confinement. The motions for compassionate release are DENIED.

The Government lists several reasons that this Court should deny the motions and all are sound. First of all, Ray has appealed several decisions of this Court to the United States Court of Appeals for the Second Circuit and they are still pending. Because of that, this Court lacks jurisdiction at the present time over Ray’s claims concerning his sentence. In addition, I agree with the Government that Ray has not exhausted his administrative remedies by seeking administrative relief under the provisions of the statute. Furthermore, on the merits Ray is currently held at a small 200-inmate unit at FCI Schuylkill Camp. According to the report from Probation, there are no

known cases of COVID-19 at that facility and all reasonable steps are being taken there to prevent spread of the virus among inmates and staff.

Next, Ray is classified at the facility at the lowest risk concerning medical concerns and no specific health problems relating to asthma were listed in the original Presentence Report and there appears to have been no record of asthma treatment while confined with the Bureau of Prisons.

CONCLUSION

Defendant Steven Ray's requests for compassionate release (Dkt. ##200, 203, 204) are in all respects DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
May 13, 2020.